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AN ACT

RELATING TO ELECTIONS; PROVIDING FOR ABSENTEE VOTING IN LIEU
OF ESTABLISHING A POLLING PLACE IN SMALL, ISOLATED PRECINCTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Election Code is
enacted to read:

"MAIL BALLOT ELECTION PRECINCT--ABSENTEE VOTING IN LIEU
OF POLLING PLACE.--

A. Notwithstanding the provisions of
Section 1-1-11 NMSA 1978, a board of county commissioners may
designate a precinct as a mail ballot election precinct if,
upon a written request of the county clerk, it finds that the
precinct has fewer than fifty voters and the nearest polling
place for an adjoining precinct is more than thirty miles
driving distance from the polling place designated for the
precinct in question.

B. If a precinct is designated a mail ballot
election precinct, in addition to the notice required
pursuant to Section 1-3-8 NMSA 1978, the county clerk shall
notify by registered mail all voters in that precinct at
least forty days before an election that each voter will be
sent an absentee ballot twenty-eight days before the election
and that there will be no polling place for the precinct on
election day. The county clerk shall include in the notice a

1 card informing the voter that if the voter does not want to
2 receive an absentee ballot, the voter should return the card
3 before the date the county clerk is scheduled to mail out
4 absentee ballots. The card shall also inform the voter that
5 a voting system equipped for persons with disabilities will
6 be available at all early voting sites before election day
7 and in the office of the county clerk on election day in case
8 the voter prefers to vote in person and not by mail.

9 C. The county clerk shall mail each voter in the
10 mail ballot election precinct an absentee ballot on the
11 twenty-eighth day before an election, unless the voter has
12 requested otherwise, along with a notice that there will be
13 no polling place in that precinct on election day.

14 D. The county clerk shall keep a sufficient number
15 of ballots from a mail ballot election precinct such that if
16 a voter from that precinct does not receive an absentee
17 ballot before election day, the voter may vote on an absentee
18 ballot in the office of the county clerk on election day in
19 lieu of voting on the missing ballot."

20 Section 2. Section 1-3-2 NMSA 1978 (being Laws 1969,
21 Chapter 240, Section 51, as amended) is amended to read:

22 "1-3-2. PRECINCTS--DUTIES OF COUNTY COMMISSIONERS.--

23 A. Not later than the first Monday in November of
24 each odd-numbered year, the board of county commissioners
25 shall by resolution:

1 (1) designate the polling place of each
2 precinct that shall provide individuals with physical
3 mobility limitations an unobstructed access to at least one
4 voting machine;

5 (2) create additional precincts to meet the
6 requirements of Section 1-3-1 NMSA 1978 or upon petition
7 pursuant to Section 4-38-21 NMSA 1978;

8 (3) create additional polling places in
9 existing precincts as necessary pursuant to Section 1-3-7.1
10 NMSA 1978;

11 (4) divide any precincts as necessary to
12 meet legal and constitutional requirements for redistricting;
13 and

14 (5) designate any mail ballot election
15 precincts.

16 B. The county clerk shall notify the secretary of
17 state in writing of any proposed changes in precincts or the
18 designation of polling places made by the board of county
19 commissioners and shall furnish a copy of the map showing the
20 current geographical boundaries, designation and word
21 description of each new polling place and each new or changed
22 precinct.

23 C. The secretary of state shall review all new or
24 changed precinct maps submitted pursuant to this section for
25 compliance under the Precinct Boundary Adjustment Act. Any

1 necessary precinct boundary adjustments shall be made and
2 submitted to the secretary of state no later than the first
3 Monday in December of each odd-numbered year. Upon approval
4 of the new or changed precincts by the secretary of state,
5 the precincts and polling places as changed by the resolution
6 of the boards of county commissioners and approved by the
7 secretary of state shall be the official precincts and
8 polling places for the next succeeding primary and general
9 elections."

10 Section 3. Section 1-3-7 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 57, as amended) is amended to read:

12 "1-3-7. POLLING PLACES.--

13 A. No less than one polling place shall be
14 provided for each precinct that is not a mail ballot election
15 precinct.

16 B. The board of county commissioners shall
17 designate as the polling place, or places as the case may be,
18 in each precinct, other than a mail ballot election precinct,
19 the most convenient and suitable public building or public
20 school building in the precinct that can be obtained.

21 C. If no public building or public school building
22 is available, the board of county commissioners shall provide
23 some other suitable place, which shall be the most convenient
24 and appropriate place obtainable in the precinct, considering
25 the purpose for which it is to be used pursuant to the

1 Election Code.

2 D. If no public building or public school building
3 is available in the precinct, the precinct is not a mail
4 ballot election precinct and there is no other suitable place
5 obtainable in the precinct, the board of county commissioners
6 may designate as a polling place for the precinct the most
7 convenient and suitable building or public school building
8 nearest to that precinct that can be obtained. No polling
9 place shall be designated outside the boundary of the
10 precinct as provided in this subsection until such designated
11 polling place is approved by written order of the district
12 court of the county in which the precinct is located.

13 E. Upon application of the board of county
14 commissioners, the governing board of any school district
15 shall permit the use of any school building or a part thereof
16 for registration purposes and the conduct of any election,
17 provided that the building or the part used for the election
18 complies with the standards set out in the federal Voting
19 Accessibility for the Elderly and Handicapped Act.

20 F. Public schools may be closed for elections at
21 the discretion of local school boards."

22 Section 4. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2008. _____